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COUNCIL DECISION (EU) 2024/1357

of 29 April 2024

on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund, for the period 2021 to 2027

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), in conjunction with Article 218(6), second subparagraph, point (a), and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament [1],

Whereas:

(1) On 21 February 2022, the Council authorised the Commission, by Council Decision (EU) 2022/442 [2], to open negotiations with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein for the arrangements on the financial contributions of those countries and the supplementary rules necessary for their participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors, to be concluded pursuant to Regulation (EU) 2021/1148 of the European Parliament and of the Council [3]. The negotiations with the Principality of Liechtenstein were successfully concluded by the initialling of an Agreement on 16 June 2023.

(2) In accordance with Council Decision (EU) 2024/199 [4], the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund, for the period 2021 to 2027 (the 'Agreement') was signed on 28 November 2023, subject to its conclusion at a later date.

(3) Pursuant to Article 218(7) of the Treaty on the Functioning of the European Union (TFEU), it is appropriate for the Council to authorise the Commission to approve modifications to the Agreement that are necessary with a view to adjusting references to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council [5] whenever that Regulation is updated.

(4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC [6]. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(6) The Agreement should be approved,

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(1) Consent of 10 April 2024 (not yet published in the Official Journal).

(2) Council Decision (EU) 2022/442 of 21 February 2022 authorising the opening of negotiations with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein with a view to concluding agreements between the European Union and those countries on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund (OJ L 90, 18.3.2022, p. 116).

(3) Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021, p. 48).

(4) Council Decision (EU) 2024/199 of 13 November 2023 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund, for the period 2021 to 2027 (OJ L, 2024/199, 4.1.2024, ELI: http://data.europa.eu/eli/dec/2024/199/oj).

(5) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

(6) Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund, for the period 2021 to 2027 ([7]) (the 'Agreement') is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 13(1) of the Agreement ([8]).

Article 3

For the purposes of Article 2, paragraph 2, point (b), of the Agreement, modifications of Article 2 paragraph 1, second subparagraph, point (a), of the Agreement to take into account any amendment, repeal, replacement or recast of Regulation (EU, Euratom) 2018/1046 shall be approved by the Commission on behalf of the Union.

Article 4

This Decision shall enter into force on the day of its adoption.

Done at Luxembourg, 29 April 2024.

For the Council

The President

D. CLARINVAL

([7]) The text of the Agreement is published in OJ L, 2024/200, 4.1.2024, ELI: http://data.europa.eu/eli/agree_internation/2024/200/oj.

([8]) The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.